



**Economic and Social  
Council**

Distr.  
GENERAL

E/C.12/FIN/Q/5/Add.1

11 April 2007

Original : ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS

Thirty-eighth session

Geneva, 30 April – 18 May 2007

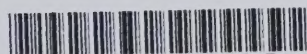
IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL  
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPLIES BY THE GOVERNMENT OF THE FINLAND TO THE LIST OF ISSUES  
(E/C.12/FIN/Q/5) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF  
THE FIFTH PERIODIC REPORT OF FINLAND CONCERNING THE RIGHTS REFERRED TO  
IN ARTICLES 1-15 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS (E/C.12/FIN/5)\*

[5 February 2007]

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.



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**REPLIES OF THE GOVERNMENT OF FINLAND TO THE ADDITIONAL  
QUESTIONS RELATING TO THE FIFTH PERIODIC REPORT ON THE  
IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/C.12/FIN/Q/5)**

**General information**

*Q1. Please provide information regarding the State party's "best practices" that it considers to be exemplary in the implementation of the Covenant.*

1. Justiciability of ESC rights, in particular, for protection of children, the elderly, disabled persons, migrants, and other minorities.

2. A strong inclusion of linguistic and cultural considerations in teaching.

*Q2. Please provide further information as to how the State party intends to achieve, by 2010, the objective of 0.7 per cent of GDP being devoted to international cooperation for development (E/C.12/FIN/5, paras. 56-58).*

3. The Government will focus on the matter after the parliamentary election to be held in March this year. The new government will probably define its policy on the matter by the end of May 2007.

*Q3. The Committee would appreciate receiving more detailed information on the mandate and functions of the Minority Ombudsman, and in particular with regard to receiving individual complaints. In the latter case, the Committee would also like to receive information on the number of complaints and the substance received since the Minority Ombudsman began to function (E/C.12/FIN/5, para. 8).*

4. The Act on the Minority Ombudsman (660/2001), entering into force on 1 September 2001, established the office of the Minority Ombudsman and abolished the office of the Foreigners' Ombudsman having existed prior to that. The functions of the Minority Ombudsman comprise a scope more extensive than that of the Foreigners' Ombudsman.

5. The duties of the Minority Ombudsman include the tasks of preventing ethnic discrimination, promoting good ethnic relations, the standing of people belonging to ethnic minorities and the status of foreigners while enhancing their rights in the society. They comprise surveying the realisation of equality between ethnic groups and monitoring the implementation of the principle of ethnic non-discrimination.



6. The Minority Ombudsman is an independent authority. The Minority Ombudsman disposes of a bureau which, as a unit of administration, it is placed within the Ministry of Labour. By an amendment (22/2004) which entered into force on 1 February 2004 the title of the act became Act on the Minority Ombudsman and the Committee for Non-discrimination.

7. In the Office of the Minority Ombudsman besides customary registration, the number of customer contacts was not systematically entered in the statistics in 2002. On the basis of samples from three months, the estimated number of contacts in 2002 was approximately 800.

8. The number of ethnic discrimination cases was estimated between 1 September and 25 November 2002. The Office registered a good 70 cases which resulted from ethnic discrimination or suspected ethnic discrimination. The cases concerned suspected discrimination in filling vacancies and at the work place, in connection with housing services, social security, studies or educational establishments or racist-originated harassing or violence. Although the Act on the Minority Ombudsman clearly refers only to ethnic discrimination in customer services, in practice the questions related to the application of the Aliens Act outnumbered other contacts. These cases concerned residence permits, consideration of asylum applications and enforcement of refusing entry to Finland, visas, aliens' passports. Other cases concerned recognition of qualifications obtained abroad, social security, housing, working life and employment; discrimination in the labour market and provision of services.

9. In October 2003, the Office went over to an electronic management system (contact register) for client affairs. The statistics presented in the annual report combined notes taken since the beginning of the year and information in the contact register from October to the end of the year. Hence, the information collected for this year is merely indicative, and cannot as a whole be compared with that for coming years. All in all, the office was contacted 1362 times during 2003. This represents an increase of 70% from 2002. Most of the client contacts (a total of 935) concerned matters involving the Aliens Act. Matters relating to discrimination accounted for 27% (431) and integration 14% (224). A single contact might involve several different matters.

10. The first comprehensive numbers of customer service contacts and the nature and content of the cases were compiled in 2004. The customer service of the Minority Ombudsman's office was contacted 1 625 times in 2004. Compared to the previous year the contacts increased by 19%. The office registered in total 707 measures, which were required to take care of the matters. This was almost twice as many measures as the previous year (356). The fact that the Equality Act and the new Aliens Act came into force was certainly one reason for the increased customer contacts. A clear change in the nature of customer contacts was the proportionally high growth of cases relating to discrimination and undeserved treatment. The division of contacts by subject matter was the following: discrimination 1/3, the Aliens Act 1/3 and integration 1/3. Matters compiled in the Minority Ombudsman's register under the label integration include customer inquiries pertaining to housing, education, social services, health, working life, ethnic relations, and family life. Of these topics, contacts pertaining to housing, working life, social services, and ethnic relations in particular increased in 2004.



11. Of all customer groups, contacts by the Roma increased the most. As a result, the clientele became more widespread around the country. Contacts relating to foreigners' issues are typically concentrated on the metropolitan area.
12. Representatives of other traditional ethnic groups such as the Sami, Tartars and Jews contacted the Minority Ombudsman's customer service only in some rare cases.
13. In 2005, the Office processed 704 customer cases. The customers contacted the Office a total of 1,508 times; in other words, the number of contacts decreased by some 7% from 2004.
14. The change in the structure and emphasis of customer cases, on the other hand, has continued in line with the Office's development objectives. Cases linked to the application of the Aliens Act have decreased, whereas the number of cases associated with discrimination and inappropriate treatment has increased. Mainly enterprisers were involved in cases of discrimination. These could be about discriminating treatment in entering a restaurant. Customer cases related to the activities of municipalities almost systematically were about the housing problems of the Roma. The share of municipalities increased significantly. The number of cases associated with police activities also grew. The majority of the Minority Ombudsman's customers were immigrants or persons with an immigrant background. The total number of customer cases to do with the Roma people was 91. On the other hand, only six customers contacting the Office of the Minority Ombudsman were Sámi their ethnic background.
15. The statistics for 2006 are not yet available. The number of contacts by clients has not, however, increased in 2006, having remained at about the same level.
16. Generally speaking, it may be stated that the number of queries relative to the administrative affairs of aliens has decreased whereas contacts concerning incidents of discrimination have gone up. The third type of contacts has mainly been about queries for information concerning various fields, including the social services, housing, education etc.

## **Article 1: Right to self-determination**

*Q4. Please indicate how the State party measures are progressing towards solving the question of Sámi rights. Please also indicate whether the efforts to remove the obstacles to the ratification of International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries have finally set the stage for the ratification of the Convention (E/C.12/FIN/5, paras. 60-79).*

17. The issue of changing the definition of Sami is no longer pertinent. The decisions issued by the Supreme Administrative Court in 1999 on the applications for the entrance on the Sami Parliament elections list must be regarded as having clarified sufficiently the interpretation of Section 3 of the Act on the Sami Parliament. In the elections of 2003, the issue did not emerge as a problem as it had in the 1999 elections.



18. A solution for the issue of the Sámi land rights has been sought for the years through legislation without success so far. Issues connected to land rights and other financial perspectives have been accentuated in proposed solutions. This prevented Finland from ratifying the International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

19. Negotiations for the solution of the issue have been pursued in a continuous manner, the Ministry of Justice and the Sámi Parliament have made joint efforts to approach an eventual solution departing from a new basis. The ensuring of the culture of the Sámi indigenous people has been chosen as a starting point.

20. From the viewpoint of the Sámi culture, it is important to be able to use all the natural resources available for the needs of the ancient livelihoods of the Sámi, raising reindeer, fishing and hunting in a manner as undisturbed as possible in the traditional Sámi Homeland. Ensuring culture in this framework has been regarded as possible without touching land ownership issues. Taking the ensuring of the right to use land, water and natural resources as a point of departure made it possible to proceed in the matter without waiting for the results of a land ownership study commanded by the Ministry of Justice. The study was still incomplete at the time, conducted by a joint study group of the University of Oulu and the University of Lapland concerning, among other things, old land ownership rights.

21. In autumn 2005, the Ministry of Justice, together with the Sami Parliament, launched an initiative to draw up a government proposal involving a solution for the issue. In December 2005, new outlines were proposed to the Prime Minister Vanhanen, who set up a ministerial working group to monitor the proceeding of the project and, when needed, to further adjust the outlines as part of the process. After the presentation of the outlines, the preparation of the initiative proceeded rapidly as a joint project of the Ministry of Justice and the Sami Parliament. The Ministry of Agriculture and Forestry and the Ministry of the Environment were also heard in the framework of the initiative.

22. Reaching a balanced legislative solution in conformity with Finland's international obligations was set as the objective of the initiative. According to principal idea of the initiative the local people, in addition to the Sami, would have an equal say on the practical arrangements of their living areas and the rights of no private people would be interfered with. In terms of the solution, areas administrated as State forests in the Sámi Homeland could still be jointly used to gain financial profit in accordance with plans accepted, which would be liable to contribute to the maintenance of the level of employment.

23. As to the timetable, the aim was to submit the Government proposal on the matter to the Parliament in spring 2007. The ministerial working group set up by Prime Minister Vanhanen did not, however, have time enough to consider the draft Government proposal drawn up in the Ministry of Justice in autumn 2006.



24. In October 2006, the land ownership study by the joint study group of the University of Oulu and the University of Lapland was completed. Following the commission of the Ministry of Justice, based on archival references, the study went into the habitation and population history as well as land use and ownership in the former areas of Kemi Lapland and Tornio Lapland from the mid 18<sup>th</sup> to the beginning of the 20<sup>th</sup> century. The study was published in four separate partial studies (*publications of the Ministry of Justice 2006: 5, 6, and 7* as well as the *Juridica Lapponia 32* by the Northern Institute for Environmental and Minority Rights of the Arctic Centre of the University of Lapland). In addition, the Ministry of Justice had made a separate collective publication (*publications of the Ministry of Justice 2006:8I*). In all, the publications came to comprise 1622 pages.

25. Comparing the points of departure of the legislative proposal drawn up by the Ministry of Justice and the land ownership study, one may consider the following:

26. The basis for the legislative proposal was to ensure for the Sámi the right to use the land to meet the needs of Sámi livelihood in the Sámi Homeland. It is not the objective of the proposal to touch issues of neither land ownership nor the private rights of anyone. It proposes to ensure, in the manner referred to the Constitution, the right of the Sami to maintain and promote their culture as far as rights on land are concerned. The starting point is intended to be, therefore, constitutional. The solutions planned are to ensure the Sámi as an indigenous people the rights on land they are entitled to under international conventions binding Finland.

27. For its part, the land ownership study does not, as a point of departure, seek answers for disputes occurring today nor arguments for or against any particular solution. The phenomena under study are examined from the viewpoint of the conditions of having existed in their time, from the point of view of the framework of their historical setting. The study brings up considerations, first and foremost, for the clarification of the history of land ownership. It applies to an area considerably vaster than the Sámi Homeland of today. The private law issue on land ownership remains to be examined apart based on the information afforded by the study and other data.

28. Regarding the different bases of the land ownership study and that of the legislative proposal prepared by the Ministry of Justice, the latter has come to the conclusion that the new study results will not affect the processing of the legislative proposal. The task of the new Government to be formed after the Parliamentary elections of March 2007 will be to make decisions on necessary measures to be taken to solve the Sámi land ownership issue.

## Article 2.2: Non-discrimination

Q5. Please provide data on the number of persons who have been sentenced pursuant to the recently amended chapter 6 of the Criminal Code and on the penalties inflicted on those who have been found guilty of acts of xenophobia, and racism or discrimination against persons belonging to national, racial, ethnic or other population groups (E/C.12/FIN/5, paras. 19 et seq.).



29. In 2004, grounds for increasing the severity of a punishment for racist motivation as referred to Section 5(4) of Chapter 6 of the Penal Code (39/1889) were applied ten times. In all of the cases, the person sentenced was a man. Nine of the sentences were given by a Court, one of them by summary penal proceedings.

30. Six of the persons in these cases were sentenced for aggravated assault, two for assault (or petty assault), one for petty theft, and one for traffic violation. In four cases the penalty was unconditional imprisonment, in two cases conditional imprisonment, in three cases the penalty was fine and the punishment in the case of summary penal proceedings was a fine. Considering the gravity of the offences it may be deduced that the punishments to imprisonment were given for aggravated assault.

31. In 2005, according to preliminary data, 14 persons were indicted for offences based on racist motivation (10 men and 4 women). Four of them were sentenced for theft, three for assault, one for robbery, one for damage to property, one for concealment for goods obtained by illegal means, one for defamation, one for narcotics offence, one for aggravated traffic violation and one for traffic violation. Seven of the sentences involved unconditional imprisonment, two conditional imprisonments, and four a fine. The summary penal proceedings sentenced the person accused to a fine for narcotics offence.

32. The following table indicates the figures for persons charged with and sentenced for offences related to discrimination for 2001-2004. (Penal Code (PC) 11:8: incitement to racial hatred, 11:9: discrimination, 47:3 work discrimination):

*Table 1*

<i>Persons charged</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
PC 11:8	3	-	-	3
PC 11:9	15	13	28	18
PC 47:3	2	4	3	2
<i>Persons sentenced</i>				
PC 11:8	3	-	-	3
PC 11:9	14	13	26	18
PC 47:3	2	2	3	2
PC 47:3a	2	2	3	2

33. The statistics do not indicate how many judgments involving discrimination were motivated by racism. It will be possible to get a better general picture of all the discrimination cases in the country compared with cases that have lead to indictments at a later stage when the Finnish national follow-up under preparation in the framework of the "*Making Equality a Reality with Adequate Data*" financed by the European Community will be completed.



*Q6. Please provide additional information on the implementation of the Non-Discrimination Act (21/2004), in particular with regard to its effective dissemination to the public at large. Please indicate what measures the State party has taken to ensure that victims of discrimination have adequate access to judicial authorities and to the National Discrimination Board established pursuant to section 13 of the Act and to an effective remedy for violations of their economic, social and cultural rights (E/C.12/FIN/5, paras. 108-109 and 175 et seq.).*

#### Information dissemination by The Minority Ombudsman

34. The Minority Ombudsman is an authority (established in 2001 on the basis of the Race Equality Directive) with the basic task of advancing the status and legal protection of ethnic minorities and foreigners as well as equality and non-discrimination and good ethnic relations in Finland. The primary means used by the Minority Ombudsman include recommendations, instructions and advice. The Minority Ombudsman can also take initiatives related to the status of different ethnic groups or foreigners or social injustice. The Minority Ombudsman enjoys an extensive right to access information. Whenever necessary, the Minority Ombudsman may also provide more extensive assistance to a person subjected to ethnic discrimination if the case is of great consequence. The Advisory Board for Minority Affairs supports the Minority Ombudsman in his duties related to e.g. anti-discrimination activities and monitoring discrimination.

35. The staff of the Minority Ombudsman has widely shared information on the Non-discrimination Act both among authorities, ethnic minorities and the Sámi as well as the civil society and the so called general public. During the autumn 2006 the Office of the Minority Ombudsman carried out a series of round table meetings with potential actors who could be involved in the regional network of contact points in Finland. As a consequence, a process to establish a pilot regional advisory system was started in December 2006. Public at large has become more aware on the new legislation e.g. through interviews made by the media and public debate on specific initiatives made by the Minority Ombudsman.

Information sharing, awareness-raising and training on anti-discrimination legislation

36. Anti-discrimination work was carried out in Finland for decades mainly by interest groups and on a one-ground basis. Civil society actors were running campaigns, organised events etc., advisory boards monitored the position of different groups, authorities and universities promoted studies and research on attitudes among others. Regarding the grounds of discrimination, the work for gender equality has the longest established traditions and structures.

37. From the beginning of 2000 anti-discrimination measures have been more visible, systematic and based on a long-term planning. The co-operation between authorities and NGOs has strengthened as well as co-operation between organisations representing different grounds of discrimination. By 2007, there will be stable structures and operational networks for cross-sectored and horizontal approach.



38. Good practices have been developed nationally and transnationally mainly by separate funding, which has been available from the state budget and through EU funding instruments, especially Community Action Programme to combat discrimination and the European Social Fund's Equal Initiative. By purely national funding, e.g. operational countrywide networks against racism have been established, material for schools on human rights developed and national age-programme (to combat discrimination against aged workers) carried out. Research on the experiences of discrimination, series of attitude-related studies and, recently e.g. a horizontal study on the barriers for accessing employment has been carried out.

39. Finland has actively participated in the implementation of the Community Action Programme to combat discrimination. Two projects have been established and carried out to promote data collection and measuring of discrimination (*SYKE* and *MERA* Projects); two transnational projects have been planned and co-ordinated by organisations in Finland (*Join* and *Join in* Projects) and national awareness-raising campaign (*the Stop Campaign*) has achieved valuable and sustainable results: permanent horizontal networks and forums, structural changes e.g. in the education of teachers and the police, data-base and material for experts on anti-discrimination issues and the portal [www.equality.fi](http://www.equality.fi) All these achievements have been possible by the joint efforts of authorities, social partners and NGOs, especially those established by people exposed to discrimination on different grounds.

40. Information and training activities on the Non-discrimination Act has been carried out since 2004 as follows:

- Preparation and dissemination of an extensive brochure on the act for the use of "non-professional" actors like NGOs, social partners and people affected by discrimination on different grounds. The brochure is available both in electronic form and hard copies in Finnish, Swedish, Same language, English, Russian and Arabic and only in electronic form in Spanish and French. In addition, a "short and simple" brochure is available in Finnish and Swedish and a "professional brochure" in Finnish and English. Three new booklets to promote the implementation of the legislation will be published in February 2007 for the use of 1) police, 2) social and health workers and 3) victims of discrimination. These booklets are targeted to promote the identification of discrimination in its different forms and to provide the victims with advisory services of different levels. The material targeted to the victims of discrimination is of a brochure-type describing concrete situations where discrimination can take place and encouraging to making appeals and contacting advisory services. Furthermore, a "*Guide for Teachers and School Communities*" was published in 2005 to promote the practical implementation of the law in the education sector. All these materials have been disseminated very efficiently and several editions have been printed of some of them.
- Training and information sharing has been countrywide and targeted both to civil society and public organisations. In 2004 National Awareness-raising Campaign organised a series of seminars to inform about the new legislation and draw media attention. Series of seminars and workshops have been organised also to specific audiences such as staff in the ministries,



the police, Internet operators, prosecutors, teachers etc. Some ministries, e.g. the Ministry of Labour have provided training on a regular basis for its staff working at regional and local level. Training was organised in 2005-2006 especially concerning the implementation of the legislation by preparing Equality Plans.

- Diversity Week/Day has been organised in Finland annually since 2003. The event has each time gathered together a wide and diverse audience and raised media attention every year. In 2006 the main two-day conference was focused on labour market issues and especially to diversity at workplace.
- The equality portal [www.equality.fi](http://www.equality.fi) has been developed on a long-term basis. It includes e.g. materials, reports, equality tools, studies, database on equality experts, practical advice for preparing Equality Plans and most recently, an own block for the 2007 European Year of Equal Opportunities for All. Further information on the implementation of the Non-discrimination Act is available on the portal and through the links it provides.

41. The Ministry of Labour has launched an evaluation research on the implementation of the Non-discrimination Act in December 2006. The results of the research will be available by the end of 2007.

42. In the Province of Western Finland, the Regional Advisory Board on Romani Affairs has organised educational events for Romani working groups set up by the Municipal Councils. Therefore, the local Romani working groups are equipped for effectively disseminating information on the non-discrimination legislation at the local level. In the near future, the other Regional Advisory Boards as well have plans for encouraging municipalities and the Romani to set up corresponding local Romani working groups.

43. In 2005, financed by the European Social Fund, there were projects launched in Finland in the framework of the EQUAL initiative specialised in finding employment for the Romani in the Provinces of Southern and Eastern Finland as well as the regions around Jyväskylä and Oulu. These projects have gained visibility in these areas and managed to communicate a positive image of the Romani as employees, helping many Romanis to get an education and pursue an appropriate career.

44. In addition to projects specialising in finding employment, Regional Advisory Boards and local Romani working groups have pursued discussions with Employment and Economic Development Centres, launching labour-market oriented schooling intended for the Romani all over the country.



### Article 3: Equality between the sexes

*Q7. Please provide further and more detailed information on why the gender wage gap persists, and the effects of measures undertaken in law and in practice to address these wage inequalities between men and women.*

45. There are many underlying reasons for the gender wage gap. The wage gap seems to be connected to the fact that at the labour market there is a strong sense of division into women's and men's jobs. This labour market segregation appears, according to studies, to account for approximately 50 % of the gender wage gap. In many female-dominated professions, the salary level is lower than in professions dominated by men. This is the state of affairs even though the female level of education is higher on the average than that of men. There are considerably more women than men working in the public sector (for the state and the municipalities), where the level of salaries is lower than on the private sector.

46. In addition to horizontal segregation, the labour market is vertically segregated as well. More women have taken leading status at different levels, but, regardless of positive developments, there are still more men than women executives. This has a reflection on the gender wage gap.

47. It seems that the way parental leaves are made use of also slows down women's career and salary development. It is the women who still use up their parental leaves in the majority of cases even if it has been for a long time that men have been given ample opportunities to benefit from parental leaves as well.

48. The Government has taken comprehensive measures to tackle the wage gap issue. Based on the Government programme, a three-base equal wage program was launched in spring 2006. The programme was nominated a high-level follow-up group that has set off its work. The follow-up group consists, *inter alia*, of the general directors of all employer and employee organisations, politicians and high public officials. Equality for pay has never been promoted at such a high level in Finland before.

49. There is a 20% gap between the wages of women and men when calculated on the basis of the average monthly income earned for the regular working hours. Reducing this gap by 5 % by the year 2015 was set as one of the general objectives of the program. The equal salary program includes objectives concerning hiring systems, the segregation of the labour market connected to women's career development issues, salarial and contractual policies, the development of statistics and cooperation connected to it, issues pertaining to family and work, the civic responsibility of businesses as well as plans for achieving equality. Relative to these issues, about 30 packages of measures are required by the program. Part of these measures call for measures by the state, part of them joint efforts by the state and labour market organisations and some cooperation between the latter.

50. Most of the initiatives included in the program have already been launched and their proceeding is surveyed by the high-level follow-up group. When it is evident that results have been



short of the objectives, the follow-up group takes measures, if necessary, in order that they will be reached. The working period of the group will come to an end on 31 March 2007. However, the objectives have been set till 2015, so, the new Government will be expected to resume the equal salary program.

51. The Government has strived for diminishing the labour market segregation by several types of measures carried out both at the labour market and in schools and by the authorities of education. In order to be able to have an impact on traditional educational and professional choices, the changing of the attitudes and ideas traditionally attached to women and men is needed, and it is a slow process. The Government has also strived to promote women's career development not only in the public but in the private sector as well.

52. The legislation on parental leaves was amended in 2006. One of the central objectives of the amendment was to encourage fathers to make use of their right to parental leave more often, thus evening out the costs of parental leaves to be paid by the employers between the employers in male and female dominated sectors. The Government has also strived to encourage fathers to benefit from their paternity leaves by information campaigns.

53. Issues of equal pay for equal work have been looked into in Article 7(2)(c) of the Fifth Periodic Report.

54. The provisions of the Act on Equality Between Women and Men 609/1986 (later referred to as the Act on equality) on the prohibition of salarial discrimination were amended in 2005. According to Section 8 (2) (2) the actions of an employer must considered as discrimination prohibited by law if the employer, when making decisions on the salary of a person or other terms of the employment acts in a way that the person in question finds herself in a disfavoured position because of a pregnancy, labour or some other gender-based reason. According to Section 2(3) discrimination prohibited by law also takes place if the employer applies the salary or other terms of the employment in a manner that the employee or employees find themselves on a standing less favourable on the basis of gender than one or several other employees employed for the same or corresponding work by the employer.

55. The Minority Ombudsman on Equality and Equality Board survey the implementation of the Act on Equality. According to Section 19 of the Act on Equality, a person who thinks she or he has been a victim of discrimination as referred to in the Act, may ask the Minority Ombudsman for instructions and advice on the matter. According to Sections 11 and 12, anyone who has violated the prohibition of discrimination referred to in Section 8 is liable of paying compensation to the victim. The compensation must be demanded by means of bringing a suit at a tribunal at the location of the employer. Discrimination in the working life is punishable by the provisions of Section 3 of Chapter 47 of the Penal Code (302/2004).

56. The Act on Equality obligates every employer to promote gender equality with a clear objective and plan. This is done, for instance, by means of a plan for equality prescribed by Section



6a of the Act on Equality. The equality planning for a workplace aims at decreasing the labour marker gender segregation and promoting the principle of equal pay for equal work.

57. In accordance with the provision in question, an employer whose personnel consists of a minimum of 30 employees at regular basis, is liable to implement measures promoting equality by following the terms of an annual equality plan regarding in particular salaries and other conditions of employment.

58. The equality plan must be drawn up in cooperation with the representatives of the personnel and it must contain, among other things, a report on the state of affairs of matters pertaining to gender equality. As a part of it, the report must include a section on the functions occupied by women and men as well as a survey on the categories concerning the functions of women and men, the salaries and differences in salaries as well as necessary measures to be launched and implemented in order to promote gender equality and reach gender equality in salaral matters.

59. The Act on Equality does not contain a detailed prescription of how to carry out a salary surveying making up a part of the report on the state of affairs regarding gender equality in the work place in actual practice. How to conduct the surveying may vary according to sector and employer. A salary survey is a good way of obtaining up-to-date information on all the salaries of women and men according their functions belonging to the different categories and groups. By conducting a salary survey it is also possible to make comparisons between the salaries of persons working in equally demanding functions, in the framework of different collective agreements. Salary surveying is a means of improving significantly the possibilities of the shop steward, the equality ombudsman, or other representative of the employees to survey and promote the principle of equal pay for equal work.

60. For equality plans to contribute to promote salaral equality in a concrete manner, it is important to make comparisons between the salaries earned by women and men to find reasons for eventual disparities. Surveying may bring up eventual structural or substantive defects in the salary systems, thus working towards developing them from the equality perspective. The employer shall review the eventual faults brought to light by the surveying and rectify the eventual illegal circumstances of malaral discrimination.

61. In connection with the adoption of the amended Act on Equality between Women and Men on 5 April 2005, Parliament required that the Government should closely monitor the implementation of the Act and submit to Parliament's Employment and Equality Committee a report on the drawing up, contents and impacts of equality plans and on the availability of salaral data by the end of 2009. The Ministry of Social Affairs and Health have started working on the report jointly with labour market organisations.

62. The salary systems of the government sector have been reformed so that they are now based on the requirements of the tasks and on personal performance. Nearly all government agencies have already carried out a salary system reform, and about 98 % of the government staff and sectors are covered by the reforms. The reforms have enabled the government agencies to introduce analytic



and transparent salary systems that do not put women and men in unequal salary status without a valid reason.

63. In spring 2005 the labour market central organisations and the Government adopted a comprehensive programme to promote equal pay for women and men. One objective of this programme was to bridge the gap between women's and men's pay – currently 20 % – by at least 5 % by the year 2015. The programme also set a number of other objectives aimed at promoting equality between women and men. In spring 2006 the Ministry of Social Affairs and Health set up a triangle working group to monitor the implementation of the equal pay programme.

64. In spring 2006, the European social partners adopted "*a Framework of Actions for Gender Equality*", where they committed to promote gender equality in working life. Reducing the pay gap between the genders is one of the priorities defined in this framework agreement, which states that the gap is connected with the differentiation of the labour market. The Office for the Government as Employer, the Local Authority Employers and the Church as Employer are members of the European Centre of Enterprises with Public Participation, and they are thus committed to implement equal pay for both genders also through this framework agreement. Nearly all other labour market central organisations, too, are members of European labour market organisations that are parties to the framework agreement.

### III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

#### Article 6: Right to work

*Q8. Please provide additional information with regard to the labour legislation in the State party aimed at guaranteeing the job security of the most vulnerable groups of workers, such as part-time and "stand-by" workers. In particular, the Committee would like to know: (a) the definition of "justified reason" for the conclusion of a temporary contract; (b) whether the legislation in force provides for a shift in the burden of proof in cases of temporary contracts concluded for a justified reason; and (c) information regarding means of redress provided for by the law to part-time workers in cases where the competent judicial authority finds that the employment contract was terminated without a justified reason (E/C.12/FIN/5, paras. 32 et seq.).*

#### a) A justified reason

65. According to the Employment Contracts Act, an employment contract is valid indefinitely unless it has, for a justified reason, been made for a specific fixed term. The Act further provides that contracts made for a fixed term on the employer's initiative without a justified reason, and consecutive fixed-term contracts concluded without a justified reason, shall be considered valid indefinitely.



66. The Act does not define the concept of a justified reason in more detail, and the regulation is based on a general clause. The 2001 Employment Contracts Act repealed the earlier act's list of examples of grounds for concluding a fixed-term contract. In the Government proposal for the Act (*HE 157/2000 vp.*) it is, however, stated that when assessing the concept of a justified reason, the grounds mentioned in section 2(2) of the old act must still be taken into account. These grounds are: 1) the nature of the employment, 2) a temporary post, 3) traineeship or another comparable reason and 4) other grounds related to the operation of the employer or the work to be performed.

67. When defining the content of the concept of a justified reason, it is essential to note, firstly, that the act does not restrict the right of the contracting parties to conclude a fixed-term contract when this is required by the needs of practical working life. Secondly, the interpretation of the concept must be based on the rule that fixed-term contracts must not be used in order to circumvent the protection against unilateral termination of employment contracts. The question whether the conditions for a justified reason are fulfilled in an individual case must be assessed by taking account of the prevailing circumstances and the opportunities to have the work performed, as a whole.

68. According to the commentary to the Government proposal for the Employment Contracts Act, the use of fixed-term contracts cannot be considered permissible, if the employer has a permanent need for labour. In such cases, all employment contracts must be concluded for an indefinite term. Thus, when planning its modes of operation and implementing its personnel policy, the employer must, to the extent possible, take account of the basic principle of the act that employment contracts are concluded for an indefinite term.

69. In Finland such concepts as "contract" and "part-time" are not readily applicable to the employment relationships in the public sector.

70. The grounds for temporary employment relationships in the public sector are laid down in section 9 of the State Civil Servants Act (750/1994). According to this section, a person may be appointed as a civil servant temporarily or for an otherwise limited period, if the nature of the work, a locum post, a temporary arrangement of the duties of the vacancy or a traineeship require a temporary employment relationship. In such cases the civil servant is not appointed to a state office but to an employment relationship. Separate provisions are issued on the appointing authority and the procedure of appointment in cases referred to in this paragraph.

71. According to the State Civil Servants Act, a civil servant may be appointed to a state office temporarily or for an otherwise limited period, if this is warranted by a reasonable cause related to the nature of the office or the activities of the agency concerned.



b) Reversed burden of proof

72. If the contracting parties disagree about the validity of the contract, the party invoking fixed-term validity must produce evidence that the contract was concluded for a fixed term and also that the fixed-term validity is based on grounds referred to in the Employment Contracts Act. This reversed burden of proof strengthens a fixed-term employee's position.

73. In public sector the authority concerned must assess the justification for a temporary employment relationship.

c) Restitution of a part-time employee's employment relationship

74. Illegally terminated employment contracts are not restored under the legal system in Finland, but employees are entitled to compensation for an illegal termination of their contracts. The Employment Contracts Act provides that if the employer has terminated an employment contract contrary to the grounds laid down in this act, it must be ordered to pay compensation for unjustified termination of the employment contract. The exclusive compensation must be equivalent to the pay due for a minimum of three months or a maximum of 24 months.

75. Section 56 of the State Civil Servants Act provides that if a civil servant has, without legal justification, been appointed temporarily or for repeated successive periods temporarily, he/she shall, when his/her employment relationship in the agency concerned ends for the reason that he/she is no longer appointed as a civil servant in that agency, be entitled to receive from the agency a compensation corresponding to his/her salary of at least 6 and at most 24 months. The payment of such compensation is ordered by the Public Service Board. The claim for compensation must be presented to the Public Service Board within six months after the expiry of the employment relationship.

**Article 7: The right to just and favourable conditions of work**

*Q9. Please provide additional information on how the State party ensures that the levels of minimum wages are sufficient to allow workers and their families in all sectors - including those who are not covered by a collective agreement - to enjoy a decent standard of living as provided for in the Covenant (E/C.12/FIN/5, para. 36).*

76. There is no separate act on minimum pay in Finland. Neither does the Employment Contracts Act contain provisions on the amount of an employee's pay. Instead, the pay is normally determined by sectoral collective agreements. The pay provisions of collective agreements declared to be generally applicable are applicable to employees of unorganised employers operating in the sector concerned.



77. If there are no collective agreements in the employer's sector of operation, the employee's pay is determined as agreed in his/her employment contract. In such cases, reasonable pay constitutes the minimum level of the employee's pay. Chapter 10, section 2 of the Employment Contracts Act provides that if application of a term or condition in the employment contract is contrary to good practice or otherwise unreasonable, the term or condition may be adjusted or ignored. Thus, unreasonable pay may be adjusted afterwards. Section 3 of the Act provides that if a term or condition in the employment contract is null and void on account of being in conflict with a provision protecting the employee, the employment contract shall be applied in other respects.

78. The question whether the agreed pay is normal and reasonable is ultimately determined by an ordinary court in each individual case. A generally applicable collective agreement of 'a close sector' provides some guidance for the decision.

## **Article 9: The right to social security**

*Q10. Please provide disaggregated data on persons and families entitled to social welfare as well as benefits guaranteed. In this regard, please provide updated information on the impact of the new Act on the Status and Rights of Social Welfare Clients (812/2000) in order to guarantee "the client's right to good service and treatment in social welfare without discrimination" (E/C.12/FIN/5, para. 369).*

### **Clients of social welfare services in 2005**

#### Services for children and families

- 186 058 children were cared for in municipal day care (54.3 % of all children aged 1-6)
- 57 912 children received pre-school education (99.9 % of all children aged 6)
- child home care allowance was paid to 67 844 families and for 103 313 children
- family allowance was paid for 1 034 400 children and to 569 633 families

#### **Child welfare:**

- 59 101 children and young persons were in non-institutional care
- 9 162 children had been taken into care
- municipal social welfare boards had confirmed 40 124 agreements on children's maintenance and place of residence and rights to visit children, and 34 559 maintenance agreements
- maintenance support was paid for 102 743 children (9.3 % of all children under 18) per 31 December
- municipal home assistance was provided to 12812 families with children (2.2 % of all families with children)
- child guidance and family counselling was provided to 70 637 clients, of which 30 963 were children and 39 674 adults



- mother-and-child homes had 637 clients and shelters for battered family members 3605 clients

#### Services for the elderly

- homes for the elderly had 19 488 residents per 31 December
- 25 949 clients lived in service housing for the elderly per 31 December
- municipal home assistance was provided to 85 396 households with elderly persons (10 % of all people aged 65 or more)
- auxiliary services connected with home-help service were provided to 107 827 clients aged 65 or more
- informal care allowance was paid to 30 145 persons, of which 19 726 were aged 65 or more and 10 419 were under 65 years of age
- of all people aged 65 or more, 25.3 % were provided with municipal home assistance, auxiliary services or informal care allowance (including overlapping use of these benefits)

#### Services for people with disabilities

##### Beneficiaries in 2005:

- transport services were provided to 80 937 persons with severe disabilities (1.5 % of the population)
  - interpreter services were provided to 3530 persons (0.07 % of the population)
  - 2775 persons with severe disabilities lived in service housing (0.05 % of the population)
  - alterations to residence were provided to 7857 persons (0.15 % of the population)
  - 4321 persons had personal assistants
- (one person may have benefited from a number of services for people with disabilities during the year)

##### Services for people with intellectual disabilities; numbers of clients per 31 December:

- 2 518 clients lived in institutions for people with intellectual disabilities
  - 4 868 clients lived in sheltered housing with 24-h assistance for people with intellectual disabilities
  - 2 646 clients lived in other sheltered housing for people with intellectual disabilities
  - 1 094 clients were cared for in family care
  - sheltered workshops and activities centres for people with intellectual disabilities had 11 926 clients
- municipal home assistance was provided to 5 662 households with persons with disabilities in 2005



Services for substance abusers

Numbers of clients in 2005:

- A-clinics and short-term treatment centres for young drug-abusers had 48 722 clients, of which A-clinics had 42 783 and short-term treatment centres 5 939 clients
- housing service units had 3 805 clients
- overnight shelters for substance abusers had 1 291 clients

- detoxification and rehabilitation institutions had 22 389 clients in 2005.

Income support

79. Income support was paid to 238 848 households and 377 376 persons (7.2 % of the population). Since 2004, the number of beneficiary households declined by nearly five (4.8) % and the number of beneficiary persons by 5.9 %.

80. According to the Act on the Status and Rights of Social Welfare Clients (812/2000) as of 2001 each municipality has to have an ombudsman for social affairs the duties of whom comprise advising social welfare clients and assisting them in the drawing up of eventual complaints on the actions of social welfare officials. On a commission by the Ministry of Social Affairs and Health, a study was conducted in 2002 for the setting up of the functions of an ombudsman for social affairs.

81. The evaluation revealed that there actually was ample need for the office of a social ombudsman. Communication, provision of information and advice, mediation and the improvement of the status of the clients in general have become the key duties of the ombudsmen. Contacts concerning the guaranteed minimum income have accounted for the concerns of the largest number of clients.

82. According to the estimates of the ombudsmen, their activities have contributed to the fact that the rights of the clients have been better observed in matters pertaining to the guaranteed minimum income. In the services directed to the disabled, the home help and residential care for the elderly, in children's day care as well as in services intended for the mentally handicapped, the clients' status has been improved in the ombudsman system.

83. There are plans to further develop the ombudsman system. The Ministry of Social Affairs and Health set up a working group for the development of the functions of the ombudsmen in order to evaluate their activities in municipalities, including needs for development and eventual suggestions for measures to be taken.

84. The authorities of social welfare do not dispose of follow-up data on the impacts of the Act on the Status and Rights of Social Welfare Clients as far as other matters are concerned. The Act does not define a client's rights to social services; these rights are provided for in other acts concerning social welfare.



## Article 10: Protection of the family

*Q11. Please provide updated, detailed information - including statistical disaggregated data over the past five years - on the measures undertaken to combat trafficking in human beings, in particular women and children. Please also provide information on the results of such measures and the difficulties encountered in their implementation.*

85. The new provisions of the Penal Code (650/2004) entered into force on 1 August 2004, establishing trafficking and aggravated trafficking as criminal offences. They conform to the obligations of criminalization laid down by the Framework Decision issued in 2002 by the Council of the European Union and the Protocol to the United Nations Convention against Transnational Organized Crime Preventing, Suppressing and Punishing Trafficking in Persons, especially Women and Children.

86. The offences in question are regarded as very grave indeed, which is reflected by the six to ten years of maximum imprisonment for them. Furthermore, a legal person's criminal liability has been extended to offences of trafficking in human beings. A legal person may be sentenced to a fine imposed on a corporation of a maximum of EUR 850 000. In addition, a legal person is responsible for any damage or injury caused by a crime committed in the framework of its operations.

87. After the provisions of the Penal Code on trafficking crimes came into force in August 2004, a pre-trial investigation has been initiated in 12 suspected cases of human trafficking in Finland. The first sentence for trafficking in human beings was delivered in 2006, but the judgment has not gained legal force due to having being appealed to the Court of Appeal. In the aforementioned case the Helsinki District Court sentenced seven Finnish and Estonian citizens for aggravated human trafficking and human trafficking. The most severe sentence was five years imprisonment. Other sentences varied from three years and eight months to two years and three months of imprisonment. In addition, one person was sentenced to one year's imprisonment for pimping in the same case.

88. In addition to the above mentioned, investigation has been initiated in 54 cases in crimes related to human trafficking. In this context crimes related to human trafficking are aggravated pimping, aggravated facilitation of illegal entry and discrimination at work tantamount to extortion (this information is from November 2006).

89. As far as revealing and examining offences of trafficking in human beings and helping the victims are concerned, coming across victims and identifying situations of trafficking pose the most problems. In this relation, one can do better by developing cooperation between authorities, by increasing education and training and informing the general public. This is what these objectives aim at.

90. The new provisions of the Aliens Act (619/2006) came into force on 31 July 2006 establishing a residence permit and a reflection period for victims of human trafficking. Victims of



human trafficking are entitled to a fixed-term residence permit where there are well-founded reasons to believe that they are victims of human trafficking, they have broken the contacts with the criminals and are willing to help the authorities to solve the crime.

91. The residence permit may be renewed if the requirements are still valid. Victims in a vulnerable position are issued a fixed-term residence permit of permanent nature, and in their case, cooperation with the authorities is not required. Before issuing the actual residence permit, authorities may provide victims with a reflection period, varying from 30 days up to six months. During this period they may recover from their experiences and decide whether they are willing to cooperate with the authorities.

92. The Act on Support for Victims of Trafficking came into force on 1 January 2007. The support has been given, already before the new act, through a provisional system run by two reception centres under the Ministry of Labour. Accommodation and support is and will be arranged by networks consisting of different actors like these two reception centres (coordination only), shelter homes, NGOs as well as different public and private services. These services will include versatile services like psychological support, legal advice, crisis help and other supporting services. However, specific safe houses for victims are not in plans but victims will be accommodated separately from asylum seekers outside the reception centres.)

93. According to the statistical data the total number of assisted victims in 2006 was eight, of which three were males and five females including two minors. Three of the supported victims have completed their scheme and entered the working life. Four people still enjoy the services of the system and one person has opted out of the system.

94. The most remarkable difficulties in the implementation of the support system have consisted in the organising of an effective outreach work, assuring of support for all victims and prevention of revictimization.

95. On 25 August 2005, the Government accepted an extensive national action plan to fight trafficking in human beings focusing on helping victims of trafficking and on the basis of which amendments concerning the helping the victims have already been included in the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999). The extended deadline for the revision of the action plan by a guiding group under the Ministry of Labour will expire on 31 May 2007.

96. There are several working groups that are set up in order to implement the national plan of action. The Ministry of the Interior has also made a plan of action against human trafficking of its own and there are two working groups in its administrative field to monitor the implementation of that plan.

97. Trafficking in human beings is closely connected to selling of sexual services and pandering. More often than not, the objective of trafficking in human being is the sexual abuse of the victims. Pandering and aggravated pandering are punishable under Sections 9 and 9a of Chapter 20 of the Penal Code. As recently as at the beginning of October 2006, the abuse of a person a victim of

selling of sexual services (Section 8 of Chapter 20 of the Penal Code), concerning the buying of sexual services from a victim of trafficking in human beings or pandering. According to Section 8a of Chapter 25 of the Penal Code, buying sexual services from a young person, that is, a person aged under 18 is punishable. Buying and selling sexual services at a public place are punishable under the provisions of the Public Order Act.

98. Finland has become a party to the abovementioned Protocol Supplementing the Palermo Convention of 7 October 2006. Joining the convention was not considered to require amendments to the existing legislation. As concluded above, the obligations of criminalization had already been met earlier.

99. The Ministry of the Interior has its action plan for the examination of offences relating to the trafficking in human beings and their prevention.

100. The Ministry for Foreign Affairs is preparing the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (ETS 197) signed by Finland in 2005.

*Q12. Please provide updated information on measures taken to combat violence against women, including information on cases of rape and other forms of violence for which criminal proceedings were instituted and disaggregated data on the number of persons who have been victims of gender-based violence (E/C.12/FIN/5, paras. 133 et seq., esp. paras. 141 and 145)*

#### Decision in principle of the Government

101. Decreasing violence against women has been set as one of the objectives of the Government programme. This objective plays a crucial role in the Decision in principle laid down by the Government on 14 December 2006 as the national programme for the decrease of violence.

102. In terms of the Decision in principle, efforts to reduce violence against women will be made by ameliorating means of interfering, giving support and facilitating access to help. It will be made easier to make people report on incidences of violence, those who are guilty of it will be made responsible for their actions and directed to therapy. Also, programmes designed to curb the vicious circle of violence will be known to the public. Cooperation in particular with social workers and the Police will be developed to be able to offer rapid assistance and to ensure the linkage in the chain of those providing assistance.

103. In the framework of health care, the decision in principle provides for the amelioration of practices of care of the victims, the promotion of means for identifying victims of assault and training of the personnel. What is more, one of the objectives includes the creation of a national emergency system for social services. It is the responsibility of the social worker to draw up a plan for laying out the services, support and protection measures available for a victim of violence.



104. The measures designed by the decision aim at increasing the risk of offenders of being caught by improving investigation conducted by the police and by making it easier for the victims to report on incidences of violence. The police are obliged to help persons under the threat of violence make up a protection plan. The Security of victims in anticipation of eventual encounters under restraining orders will be stepped up by protection measures and by developing new technology for the electronic surveillance of those under restraining orders. On the regional level, a network of shelters as well as a 24/24 free phone service will be ensured for women victims of violence.

### Violence in figures

105. According to the death cause statistics of Statistics Finland, in the year 2004 17 women died as victims of domestic violence and 15 women as victims of violence by their intimate partner. The number of violent deaths of women has decreased. 80 % of those having died as a result of violence by their intimate partner are women.

106. According to the knowledge of the police, 25 women were victims of offences against life in 2005. The number of assault offences was 30 610, which was 2% more than the year before, and 12 473 women were complainants in assault offences. In 2005, the police was informed about 605 rape offences, which is 14 more than in 2004.

107. According to Statistics Finland, the family violence offences that the police was informed about in 2005 had 4 109 victims, which was 5% more than the previous year. Of all victims of family violence, 3 195 were women and 914 men. In these offences, a woman was suspected as a perpetrator 444 times. Family violence is most often men's violence against women. Cases where a woman assaulted another woman were rare.

108. In 2005, the number of house calls paid by the police increased from the year before. They numbered 81 200, and of all cases 17 130 related to family violence. In 2006, the police paid 85 575 house calls, of which 17 643 concerned family violence.

109. In 2005, 1 844 restraining orders were issued, and 123 of these were orders inside families. In 2006, the corresponding figures were 1 785 and 93. The fact that 80 of all restraining orders inside families issued in 2006 were temporary reflects the activity of the police.

110. The perpetrators of most violent offences are men, as shown by the table below.

<i>Table 2</i>							
Numbers of suspected persons		2000	2001	2002	2003	2004	2005
	<b>Men</b>	15 157	14 691	14 830	15 373	15 437	15 580
	<b>Women</b>	2 286	2 309	2 401	2 572	2 860	2 868
	<b>Total</b>	17 443	17 000	17 231	17 945	18 297	18 448

*Source: PolStat (Police performance data system)*

111. In an analysis by gender, the number of male suspects of violence remained rather unchanged in 2000–2005; varying around 15 000 suspects. The number of female suspects is considerably smaller but has increased at an even pace, being 2 286 in 2000 and as many as 2 868 in 2005. A similar trend prevails in assaults: there are major differences between the genders, but the numbers of women show a stronger increase.

112. In 2005, there were 593 rapes reported to the police. In most cases, the victims were women. Suspected incidences of rape reported to the police have augmented clearly: During the years 1987–1989 the annual average was 352 and during 2000–2005 558.

113. The increase in the number of rapes and other crimes of violence against women known to the police is at least partly due to the fact that the Police have stepped up their measures. There is an increase in the level of interference and reporting on the part of the police. Equally, the general public is more conscious of these crimes and more liable of reporting them to the police.

114. The police are responsible for preventing and interrupting acts of violence, guaranteeing security, and conducting effective pre-trial investigation and related cooperation with different actors. Therefore, reducing violence was chosen as a particular priority in police activities in 2006. For this purpose, the Supreme Police Command appointed a working group, which prepared an action plan at the end of 2005. The action plan pays special attention to suppressing violence within families.

115. The report of this working group on the measures taken by the police to prevent and reduce violence ("*Poliisin toimenpiteet väkivallan estämisessä ja vähentämisessä*") was published in the publication series of the Supreme Police Command and is available at the website of the police <http://www.poliisi.fi/julkaisu/poliisi102005>.

116. The recommendations issued by the working group in the action plan focus on enhancing the quality of basic police operations. In particular, the group focuses on operations of field patrols and investigation, which should aim at high-quality basic work and a comprehensive and appropriate use of the available means. The purpose is to make improvements in preventing violent offences, identifying acts of violence, interrupting spirals of violent offences, intervening in hidden crime and safeguarding pre-trial investigation. Well-functioning cooperation between the field operations and the investigation is important and must be taken into due account.

117. The action plan of the police for reducing violence also attaches particular attention to the treatment of victims of violence and the guidance for them in seeking different help services. The cooperation agreed with other authorities and organisations providing help services enables the police to refer victims in need of help to existing services. The main lines of action for reducing violence were adopted in 2005, and they were taken into account in the action and economic plan of



the police for 2006–2010. They were also included in the 2006 performance management documents.

118. The department of crimes of violence within the National Council for Crime Prevention of the Ministry of Justice is in charge of the coordination and cooperation of efforts invested in combating violence. The duties of the department consist to promote efforts to decrease violence and enhance cooperation between the Ministries.

The action programme for preventing intimate partner and domestic violence in 2004-2007

119. The Ministry of Social Affairs and Health implements a national programme for 2004-2007 for the prevention of intimate partner and domestic violence by measures intended to development a system of assistance by the social and health services. Violence against women is also included in the action programme.

120. The objectives include:

- ☐ the creation of a network of basic, supportive and special assistance covering the whole country.
- ☐ stepping up measures of help for children and young people witnesses or victims of acts of violence
- ☐ developing professional competence.

121. The Ministry of Social Affairs and Health is in charge of the coordination of the carrying out of the programme. The programme is being implemented in cooperation with the State Provincial Offices. The Ministry has made agreements with the Offices on initiatives based on the plans of which the work on the development is progressing in the territories of the State Provinces.

122. Each State Province has set up regional development groups consisting of local bodies to work on the prevention of violence. Starting from 2004, regional coordinators for the prevention of violence have been employed in each Province out of public project financing. In cooperation with appropriate bodies in charge, the task of the coordinators is to draw up, according to the needs of the region in question, a plan representing the chains linking together the providers of assistance on the local level for victims of acts of violence and the persons having committed them. Also, one of their objectives is to survey and develop needs for the provision of training on the regional level.

123. A contact person for the victims of intimate partner of domestic violence has been nominated for municipalities or districts. The objective is to integrate the prevention of intimate partner and domestic violence in the goals and practices of all sectors of administration and their units as well as in the security plans and /or programmes of wellbeing in all municipalities and districts. A guidebook on how to organise the work for the prevention of violence on the local level written by the Ministry to the municipalities and districts also serves the purpose of carrying out this objective.

The guide is entitled "*Kenelle lyönnit kuuluvat*" (Ministry of Social Affairs and Health: a series of guidebooks 2005:7).

124. In 2005, the Ministry of Social Affairs and Health published a guidebook on immigrant women and violence, ("*Maahanmuuttajanaiset ja väkivalta*"). The book is directed to the professionals in the social and health services for the purpose of being able to provide assistance to immigrant women victims of violence. At the end of 2006, a brochure entitled "*Kaikilla meillä on vastuu*"- "*We all are responsible*"- on intimate partner and domestic violence. The publication gives a short presentation of what violence is about, what the consequences are and where to look for help. The brochure is directed and distributed to the general public.

125. The identification of acts of violence, interfering with them, and preventing them must be integrated in basic services so that each person party to a relationship suffering from intimate partner or domestic violence would have access to help. Access to acute help in situations of violence or under its imminent threat has been made easier with the setting up of a 24 hour social services emergency help system as from the beginning of 2007. In the framework of the programme it will be examined whether today's laws providing for municipal services suffice to ensure the continuation of the prevention of intimate partner and domestic violence in the municipal service systems. During 2007, recommendations will be drawn up to municipalities to enhance their capacities in the combat against problems pertaining to intimate partner and domestic violence.

126. Equally, there is a project to set up a permanent national unit in charge of issues of intimate partner and domestic violence within a research institute of the Ministry of Social Affairs and Health. The main objective of the unit would be to coordinate efforts done in the prevention of intimate partner and domestic violence and consolidate information and know-how related to it as well as represent the best specialisation in the field. The unit would give support to regional and local efforts. Its central duties would include research and development activities, education, training and specialist assistance, the coordination of cooperation and the development of networking, international cooperation and surveying of the sector as well as communications and publishing. One of the tasks would also comprise, where needed, making suggestions in view of contributing to legislation.

## **Article 11: Right to an adequate standard of living**

*Q13. Please provide information on the number of persons living below the poverty line and on the implementation of the National Action Plan to combat poverty and social exclusion for the years 2004-2005. Please also indicate the measures adopted by the State party to provide assistance and support to families with children and children living in poverty and other groups of individuals who are in serious danger of social exclusion (E/C.12/FIN/5, paras. 479-80).*

127. In 2004 the amount of persons living below the poverty line was 618 400 (12,0 percent of the population). Poverty risk among children (% of population aged 0-15) was 12,2 %. The income



level representing the relative poverty is calculated on the basis of a household's disposable income per modified OECD consumption unit (1-0 - 0.5 - 0.3, the poverty risk being 60 % of median income each year).

128. In 2004, 401 000 people received a guaranteed minimum income (7,7% of the population) and in 2005 the corresponding figure was 377 000 (7,2 % of the population). In the years 2004-2005, those receiving a guaranteed minimum income on a long-term basis or for a minimum of ten months in a year represented 24 % of the receivers of the income.

129. An experiment on the estimation of the amount of the guaranteed minimum income was launched in 2002 with the intention of continuing it till the end of 2008. According to the new system, a minimum of 20 % of an applicant's monthly earnings, not, however, more than EUR 150, would be left out of account when estimating the amount of the guaranteed minimum income in his case.

130. Starting from 2006, there were changes in the structure and financing of the guaranteed minimum income. The reform was realised with the objective of standardising the financing of the labour market subsidy and the guaranteed minimum income by the creation of a more efficient, motivational and balanced whole linking together the minimum income to work motivation programmes. The reform had no impact of the amount received by the client. It is expected to standardise the practices of granting the minimum allowances.

131. The Act on the Guaranteed Minimum Income was amended as of 1 September 2006 by not including a 7 % personal liability of the client's living expenses in the basic part of the income. The amendment improved the standing of the lowest income households especially in areas with high living expenses.

132. In Finland, the basis for the fight against poverty and social exclusion is the development of social allowances and services for the whole population in a way that the society will be able to face the challenges of social vulnerability. Measures of assistance directed to the groups at risk menaced by poverty and social exclusion have been set up to supplement this universal system.

133. The measures launched by the Government to fight off poverty and social exclusion are based on the Government Programme of 2003. Its central strategic objectives have been presented in the national action plan to fight poverty and social exclusion 2003-2005. The outlinings of the Government are supplemented and specified by the strategies and sub-sector goals of the different administrations.

134. The Central objectives in the prevention of poverty and exclusion:

1. ensuring opportunities of work to as many as possible
2. prevention of social problems and of the materialisation of social risks
3. keeping up of measures preventing and remedying effects of poverty and exclusion
4. ensuring the availability of competent personnel in services related to wellbeing

135. The ratio of relative poverty in Finland is still one of the lowest in the European Union with a slight rise in 2001-2004. When considered against the fixed poverty line, the portion of the poor as against the whole population has decreased. The fixed poverty line does not take into account the general rise in income. The real income of the low-income population has also increased, though more slowly than the evolution of earnings in general.

136. Unemployment is the principle cause of poverty and social exclusion. Reforms for the decrease of unemployment and especially structural unemployment have been launched in the framework of the Government Programme and the employment program. A central measure has been to reform the employment services by centralising the employment services for those encountering serious problems of being employed in 40 employment service centres. In these centres, the work administration, municipal social and health services and the Social Insurance Institution provide services in cooperation with other service providers by joint multi-professional efforts.

137. Reform of the labour market subsidy entered into force at the beginning of 2006. The reform consists of three complementary outlinings:

1. the reform of the financing of the labour market subsidies and the guaranteed minimum income between the State and the municipalities

2. A new motivational period and civic guarantee for the long-term unemployed

3. Increasing the return of the labour market subsidy. The supplementary funding to be paid by the municipalities is reimbursed by the State.

138. The implementation of a so-called civic guarantee, an employment program for the young, launched at the beginning of 2005, has been continued. According to the basic idea of the program, unemployed job-seekers aged under 25 are offered, at the end of a maximum period of unemployment, specific motivational measures. These measures include job-seeking training, vocational education and training promoting employment, work try-out, on-the-job training, work life training, start-up money or subsidised employment.

139. Physical check-ups and possibilities for rehabilitation for the long-term unemployed have been increased. Intermediary labour markets serve to improve the employment possibilities of those who have severe difficulties of being employed. A low-wage supplement for employers was taken into use after the beginning of 2006. This is a form of subsidising the employment of aged low-wage workers.

140. Workshop activities for improving employment opportunities for the young have been developed as to their contents and by creating permanent posts to run them.



141. Many legislative measures have been taken to in view of helping those with excessive debts in order to prevent problems relative to debts and financial hardship.

142. Long-term and structural unemployment have decreased. During the past ten-year period the decrease has been significant. As a result, the number of those benefiting from the labour market subsidy has begun to go down.

143. There have been efforts to improve the quality and effects of adult employment education by several types of initiatives. The objective is to augment the number of adults in the working age participating in adult education from 54% to 60 % by 2008. In connection with the reform of the employment subsidy system, a customised wage subsidy system for the employment of disabled persons and persons of limited capacities was taken into use.

144. The decrease in unemployment, the increase in family allowances and the decrease of the level of taxes have made up an integral whole having contributed to the improvement of the financial status of the families with children. The risk of poverty concerning all families has, however, increased during the first years of the 21<sup>st</sup> century. In 2004, the level of poverty of families with children was higher than that of the whole population. Single parents are in the less favourable situation. Their financial situation has deteriorated significantly, having lead to poverty. Two-guardian families with two children are the best off.

145. The need for the guaranteed minimum income has gone down. The number of clients for the minimum income has decreased all through the 21<sup>st</sup> century. Also, the amount of those having received the guaranteed minimum income on a long-term basis has decreased steadily from the year 2003 onwards.

#### The improvements directed to families with children for 2004-2007 by the Government

146. The ratio of families in the lowest income groups has increased. Correspondingly, the number of children living in families under the poverty line has gone up. The State has directed more resources for the promotion of the wellbeing and financial income of families with children. Specific reforms on financial supports have been directed to families with handicapped children.

147. In the beginning of 2004, the child allowances were augmented by an index increase, directed to all families with children. At the same time, there was a raise in the supplementary part of child allowances of single parents. The child home care allowance directed to parents of small children went up as of the beginning of 2005 and again in the beginning of 2007. Children's maintenance allowances have been augmented by a specific index increase as of the beginning of 2007. The allowance is paid in situations where one of the guardians of a child fails to observe his or her obligation of maintenance or the child only has one guardian. In other cases, the level of the maintenance is bound to an index. The financial aid to the living expenses of families with children has increased.

148. The minimum maternity, paternity, parents' and sickness allowances were increased in 2005. The same year, there was a decision to take into consideration, when calculating their amount in each case, the fact that the parents had had short-term employment relationships or that they were having two or more children one quite soon after the other. The maternity and paternity allowances were increased as of the beginning of 2007. The terms for fathers to make use of their paternity leaves were made more flexible at the same time. The right of adoptive parents to have parental leave and to the children's home care allowance was extended from the beginning of 2007 as well. The right to care for a child suddenly fallen sick on a temporary care leave was extended to a guardian not living with the child.

149. The right of parents of children with a handicap or a long-term illness to reduce their working hours has been extended to parents of children up to 18 years of age in 2006. The level of the subsidy compensating for the extra costs for caring for a handicapped child was augmented as of the beginning of 2007. The amendment to the Act on Children's Day-care has obligated municipalities to increase the number of special kindergarten teachers in day-care in 2007.

150. The position of Ombudsman for Children was created in 2005 to survey the social status of children and the carrying out of children's rights. The Ombudsman for Children is an independent authority assisted by a cross-professional Advisory Board with representatives from the different sectors of the society.

## Article 12: Right to health

*Q14. Please provide disaggregated data concerning the incidence of HIV/AIDS since the submission of the last periodic report.*

151. Statistics of the National Public Health Institute show the HIV/AIDS situation in Finland. Below are statistics on HIV infection cases in Finland, AIDS cases in Finland and deaths of HIV infected persons in Finland. The statistics cover the years 1980–2006. The statistics on HIV infection cases consist of reports given by 26 January 2007.

**Table 3** HIV infection cases in Finland by year of diagnosis

Data as 26.1.2007

<i>Reported cases</i>		<i>Transmission category</i>															
Total	females	non-finns	MWSWM	heterosexual	blood	injecting	mother-to	other/									
		contact	products*	drug use	child	un-determ.											
Cumulative: 1622	412	25%	416	25%	543	33%	568	95%	13	0%	288	17%	11	0%	199	12%	
1980	1	0	0%	0	0%	0	0%	1	100%	0	0%	0	0%	0	0%	0	0%
1982	2	0	0%	0	0%	1	50%	1	50%	0	0%	0	0%	0	0%	0	0%
1983	12	1	8%	1	8%	11	91%	1	8%	0	0%	0	0%	0	0%	0	0%
1984	14	2	14%	2	14%	12	85%	2	14%	0	0%	0	0%	0	0%	0	0%



1985	38	2 5%	5 13%	29 78%	5 13%	4 10%	0 0%	0 0%	0 0%
1986	65	6 9%	11 15%	44 87%	13 20%	3 4%	2 3%	0 0%	3 4%
1987	57	11 19%	10 17%	32 56%	17 29%	1 1%	6 10%	0 0%	1 1%
1988	49	5 10%	13 29%	25 51%	20 40%	0 0%	2 4%	1 2%	1 2%
1989	45	6 13%	8 17%	28 57%	12 26%	0 0%	3 6%	1 2%	3 6%
1990	89	13 14%	26 29%	44 42%	37 41%	1 1%	0 0%	0 0%	7 7%
1991	57	10 17%	23 40%	21 36%	23 40%	0 0%	1 1%	0 0%	12 21%
1992	93	21 22%	29 31%	34 36%	38 40%	0 0%	5 5%	0 0%	16 17%
1993	62	16 25%	16 25%	19 30%	32 51%	2 3%	4 6%	0 %	5 8%
1994	69	14 20%	14 20%	34 40%	25 36%	1 1%	2 2%	1 1%	6 8%
1995	72	28 38%	22 30%	25 34%	40 56%	0 0%	1 1%	0 0%	6 8%
1996	69	20 28%	29 42%	23 33%	36 52%	0 0%	1 1%	0 0%	9 13%
1997	71	24 33%	19 28%	19 26%	42 50%	0 0%	0 0%	1 1%	9 12%
1998	81	32 39%	22 27%	13 16%	32 30%	0 0%	20 24%	0 0%	16 10%
1999	143	39 27%	18 12%	13 9%	29 20%	0 0%	86 60%	1 0%	14 9%
2000	144	51 35%	39 27%	23 15%	43 20%	1 0%	56 38%	2 1%	19 13%
2001	128	33 25%	32 25%	27 21%	26 20%	0 0%	49 38%	0 0%	26 20%
2002	130	38 29%	39 30%	38 29%	39 30%	0 0%	27 20%	3 2%	23 17%
2003	131	40 30%	38 29%	30 22%	54 41%	0 0%	23 17%	1 0%	23 17%

National Public Health Institute, Department of Infectious Disease Epidemiology

**Table 4 HIV infection cases in Finland by year of diagnosis**

Data as 26.1.2007

*Reported cases*

*Transmission category*

Total females non-finns MWSWM heterosexual blood injecting mother-to other/  
contact products\* drug use child un-determ.

Cumulative 2082 536 25% 594 38% 675 82% 777 37% 14 0% 321 15% 14 0% 281 13%

2004	128	25 10%	37 28%	44 34%	57 44%	1 0%	10 7%	1 0%	15 11%
2005	139	41 29%	58 41%	66 47%	66 47%	0 0%	16 11%	1 0%	25 17%
2006	192	58 30%	82 42%	86 44%	86 44%	0 0%	7 6%	1 0%	41 21%
2007	1	0 0%	1 100%	0 0%	0 0%	0 0%	0 0%	0 0%	1 100%

**Table 5 AIDS cases in Finland by year of diagnosis**

Data as 26.1.2007

*Reported cases*

*Transmission category*

Total females non-finns MWSWM heterosexual blood injecting mother-to other/  
contact products\* drug use child un-d

Cumulative 407 66 16% 76 18% 234 57% 116 25% 9 2% 26 8% 4 0% 18 4%

1982	1	0 0%	0 0%	0 0%	1 100%	0 0%	0 0%	0 0%	0 0%
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1983	2	0 0%	0 0%	2 100%	0 0%	0 0%	0 0%	0 0%	0 0%
1984	3	0 0%	1 36%	3 100%	0 0%	0 0%	0 0%	0 0%	0 0%
1985	4	0 0%	1 25%	2 50%	2 50%	0 0%	0 0%	0 0%	0 0%
1986	7	1 14%	0 0%	5 71%	1 14%	1 14%	0 0%	0 0%	0 0%
1987	7	1 14%	1 14%	5 71%	0 0%	1 14%	1 14%	0 0%	0 0%
1988	17	1 5%	0 0%	14 82%	2 11%	1 5%	0 0%	0 0%	0 0%
1989	21	1 4%	3 14%	17 80%	3 14%	0 0%	0 0%	0 0%	1 4%
1990	17	1 5%	3 17%	15 86%	1 5%	0 0%	0 0%	0 0%	1 5%
1991	27	2 7%	1 8%	22 81%	4 14%	0 0%	0 0%	0 0%	1 3%
1992	22	4 18%	3 13%	9 40%	7 31%	2 9%	3 13%	0 0%	1 4%
1993	25	3 12%	2 8%	16 64%	5 20%	3 12%	1 4%	0 0%	0 0%
1994	43	4 9%	5 11%	28 65%	13 30%	0 0%	1 2%	1 2%	0 0%
1995	41	3 7%	9 21%	24 56%	14 34%	1 2%	1 2%	0 0%	1 2%
1996	24	2 8%	3 12%	16 65%	4 16%	0 0%	2 8%	1 4%	1 4%
1997	20	3 15%	4 20%	11 55%	7 35%	0 0%	2 10%	0 0%	0 0%
1998	15	3 20%	4 26%	7 45%	6 40%	0 0%	0 0%	0 0%	2 13%
1999	11	2 18%	2 18%	7 63%	3 27%	0 0%	0 0%	1 0%	0 0%
2000	17	8 47%	6 35%	4 23%	9 52%	0 0%	1 5%	0 0%	3 17%
2001	19	7 36%	5 28%	8 42%	7 36%	0 0%	1 5%	0 0%	3 15%
2002	20	7 35%	8 40%	5 25%	10 50%	0 0%	3 15%	1 5%	1 6%
2003	25	6 24%	9 36%	9 36%	7 28%	0 0%	6 24%	0 0%	3 12%
2004	19	7 36%	6 31%	5 25%	10 52%	0 0%	4 21%	0 0%	0 0%

National Public Health Institute, Department of Infectious Disease Epidemiology

**Table 6** AIDS cases in Finland by year of diagnosis

Data as 26.1.2007

	<i>Reported cases</i>		<i>Transmission category</i>							
	Total	females	non-finns contact	MWSWM products*	heterosexual drug use	blood child	injecting un-d	mother-to	other/	
Cumulative	459	73 15%	92 20%	252 64%	139 80%	9 1%	34 7%	4 0%	21 4%	
2005	26	1 9%	4 15%	10 38%	8 30%	0 0%	7 28%	0 0%	1 3%	
2006	26	6 29%	12 46%	8 30%	15 57%	0 0%	1 3%	0 0%	2 7%	

National Public Health Institute, Department of Infectious Disease Epidemiology

**Table 7** Deaths of HIV infected persons in Finland

Cases reported by 10 January 2007

<i>All deaths</i>		<i>Transmission category</i>				<i>Deaths of</i>	
AIDS						patients	
Total	females	non-Finns*	MWSWM	heterosexual	IV drugs	other/undetermined	
Total	Percentage				of all		



Cumulative: 421 53 12% 34 8% 201 47% 100 23% 79 15% 41 9%  
274 65%

1982	1	0 0%	0 0%	0 0%	1 100%	0 0%	0 0%	1	100%
1984	1	0 0%	0 0%	1 100%	0 0%	0 0%	0 0%	1	100%
1985	3	0 0%	0 0%	3 100%	0 0%	0 0%	0 0%	3	100%
1986	6	1 16%	0 0%	3 50%	2 33%	0 0%	1 16%	6	100%
1987	6	2 33%	0 0%	4 66%	0 0%	0 0%	2 33%	4	66%
1988	13	0 0%	0 0%	11 84%	0 0%	1 7%	1 7%	11	84%
1989	7	1 14%	0 0%	6 85%	0 0%	0 0%	1 14%	7	100%
1990	21	2 9%	0 0%	16 76%	3 14%	0 0%	2 9%	17	80%
1991	30	0 0%	3 10%	22 73%	4 13%	0 0%	4 13%	22	73%
1992	24	1 4%	3 12%	16 66%	1 4%	2 8%	5 20%	21	87%
1993	31	4 12%	1 3%	18 58%	8 25%	2 6%	3 9%	28	90%
1994	28	5 17%	4 14%	19 67%	7 25%	2 7%	0 0%	25	89%
1995	40	4 10%	4 10%	23 57%	14 35%	2 5%	1 2%	32	80%
1996	31	3 9%	2 6%	15 48%	12 38%	3 9%	1 3%	28	90%
1997	9	1 11%	2 22%	5 55%	3 33%	0 0%	1 11%	7	77%
1998	10	1 10%	1 10%	5 50%	3 30%	1 10%	1 10%	8	80%
1999	17	4 23%	2 11%	4 23%	3 17%	6 35%	4 23%	7	41%
2000	20	4 20%	3 15%	7 35%	9 45%	3 15%	1 5%	11	55%
2001	16	4 25%	2 12%	5 31%	3 18%	6 37%	2 12%	5	31%
2002	17	3 17%	1 5%	2 11%	6 35%	8 47%	1 5%	5	29%
2003	25	5 20%	4 16%	4 16%	4 16%	11 44%	6 24%	8	32%
2004	20	2 10%	2 10%	5 25%	7 35%	8 40%	0 0%	8	40%
2005	25	1 4%	0 0%	5 20%	3 12%	14 36%	3 12%	6	24%
2006	20	5 25%	0 0%	2 10%	7 35%	10 50%	1 5%	3	15%

\* According to nationality at the time of establishing HIV infection  
National Public Health Institute, Department of Infectious Disease Epidemiology

*Q15. Please provide further information on the impact of the national project which aims to "develop health care services in cooperation between the State and the local authorities so that everyone will have access to good-quality health care services needed", irrespective of one's financial position and place of residence. In this regard, the Committee would like to receive further information on the extent to which adequate health services are available in remote areas of the country, particularly for persons in need of mental health care (E/C.12/FIN/5, paras. 155-156 and 534).*

#### The National Health Project

152. The Government's decision in principle on securing the future of health care of 2002 pays particular attention to viable primary health care and preventive work, ensured access to treatment, ensured availability and expertise of personnel, reformed functions and structures and augmented finances of health care.

The National Health Project will continue until the end of 2007.

### Access to treatment

153. The health care legislation ensuring access to treatment (the so-called care guarantee legislation) has been clarified as part of the National Health Project. The Primary Health Care Act (66/1972) and the Act on Specialized Medical Care (1062/1989) have been supplemented with maximum delays within which the public sector must arrange access to treatment. In addition to these two acts, also the Act on the Status and Rights of Patients (785/1992) and the Act on Client Fees in Social Welfare and Health Care (734/1992) have been amended. The amendments (855–858/2004) took effect on 1 March 2005.

154. The aforementioned legislative amendments introduce more precise provisions on the obligation to arrange health care services which is already imposed by law on municipalities and joint municipal boards. The amendments are intended to safeguard the availability of treatment based on health care needs, to reduce inequality in access to treatment, to increase transparency during the waiting period and to increase fairness and non-discrimination in access to treatment. The achievement of this objective can be advanced by, *inter alia*, defining the grounds for treatment at national level, reforming activities of the service system and evaluating, developing and changing the division of work.

155. According to the amendments, clients shall be guaranteed an immediate access to a health centre on working days, during the office hours, as from the beginning of March 2005. They shall obtain access to a health care professional – not necessarily a doctor – at a health centre for an assessment of their need for non-urgent treatment within three working days of contacting the health centre, unless their problems can be resolved by telephone.

156. Clients shall have access to treatment deemed necessary on medical or odontological grounds within a reasonable time. In primary health care, a client shall have access to treatment within three months from the date when his/her need for treatment was established. This maximum time frame of three months may be exceeded by the maximum of three months in oral health care or specialised health care provided in connection with primary health care, if the treatment can be deferred on reasonable grounds without risking the patient's health.

157. In specialised health care, the assessment of a patient's need for treatment shall be arranged within three weeks from the date when the health care unit in question, for instance the out-patient department of a hospital, received the doctor's referral letter. Clients shall have access to treatment deemed necessary on medical or odontological grounds within six months from the assessment of their need for treatment.

158. If treatment cannot be arranged within the prescribed time frame, the municipality or joint municipal board concerned shall purchase the treatment from other service providers, for example another municipal hospital or the private sector, at no extra charge to the patients.

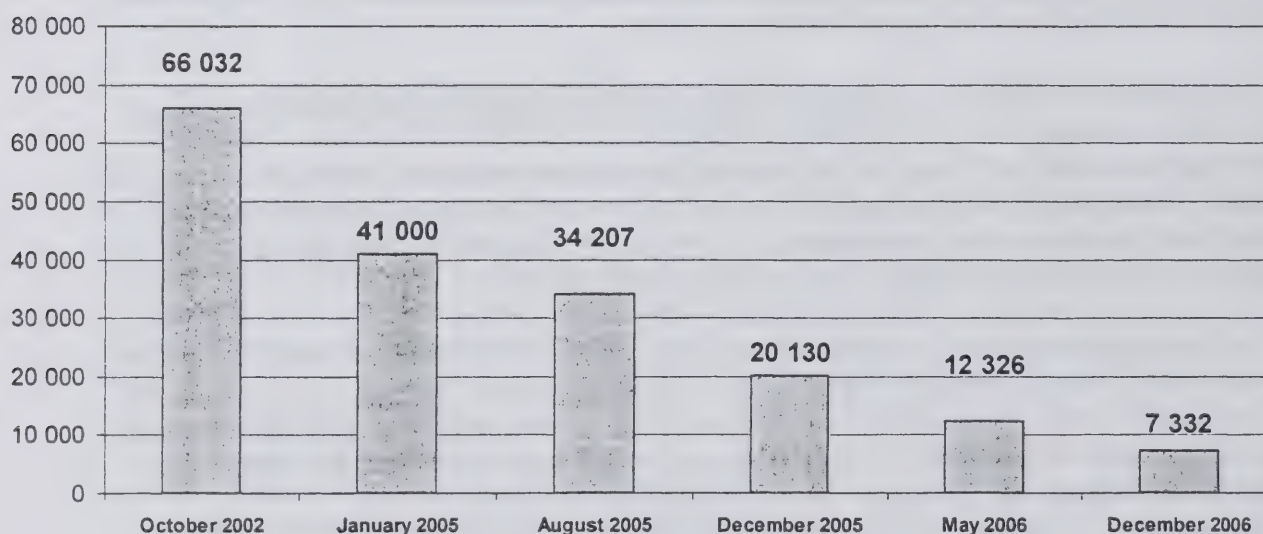


160. The Ministry of Social Affairs and Health has examined access to treatment in specialised health care four times since the legislative amendments took effect – in August 2005 and January, May and December 2006 – by sending inquiries to health care districts. The reference status was the status in October 2002, when the state appropriations for eliminating patient queues were made available to the health care districts. At that time, 66 000 persons had been queuing for hospital care in more than half a year. In August 2005 (when the Act had been in force in 6 months) these patients numbered 34 000 and in December 2005 approx. 20 000. In May 2006 about 12 000 persons had been queuing for hospital care over half a year, and in December 2006 their number was about 7 000.

161. However, there are still many patients queuing for plastic surgery, hand surgery, orthopaedic treatment and hearing aid services.

Table 8

### Number of patients waiting longer than six months for elective treatment



**Table 2** Numbers of patients treated in hospital districts in 2005 and numbers of child and youth psychiatric patients who do not receive treatment within 3 months

Child psychiatric outpatient clinics      Child psychiatric outpatient clinics  
queues for examination and treatment

Total		
12 607	505	
Child psychiatric departments clinics	Child psychiatric departments queues for treatment	Youth psychiatric outpatient
1294	167	15 419
Youth psychiatric outpatient clinics queues for examination and treatment departments		Youth psychiatric departments
460		2369

#### Uniform criteria for access to treatment

162. There have been great variations in treatment practices across the country, and decisions on access to non-emergency treatment have been made on different grounds. The aim of the legislative amendments described above is to ensure access to treatment on equal grounds, irrespective of place of residence.

163. Therefore, uniform grounds for access to non-emergency care have been compiled as a part of the National Health Project and of the safeguarding of access to treatment. The goal has been to compile criteria for about 80 % of all non-emergency treatment. The treatment criteria are revised and further developed on the basis of gained experience. The hospital districts and health centres assess and monitor the functioning of the criteria. The criteria are available through the Internet at address [www.stm.fi](http://www.stm.fi).

164. Physicians use these criteria as a guide when deciding on the treatment of patients. In addition to these criteria, a physician should always take account of the patient's individual life situation and need for treatment. The physician shall make a decision on the patient's treatment in mutual understanding with the patient. The patient does not have the right to get any treatment he or she wants. The treatment arrangements are based on medical or odontological criteria.

165. The health economic impacts of the introduction of the criteria and maximum delays for access to treatment will be evaluated within the next two years. It is also stated in the performance agreement between the Ministry of Social Affairs and Health and the National Research and Development Centre for Welfare and Health (Stakes) for 2004–2007 that the Centre will examine what impacts the adopted reform of safeguarded access to treatment has had on primary health care and preventive work in municipalities and how the resources used for these activities are developing after the reform.

166. Since 2003, the Government's budget has included separate appropriations for supporting the development of social welfare and health care services in municipalities. Municipalities may receive



state subsidies for projects to develop and enhance their services and to revise their operating procedures. One priority of the National Health Project is to ensure smooth functioning of health centres and preventive work.

## **Articles 13 and 14: Right to education**

*Q16. Please provide further information in relation to the preconditions - as indicated in paragraph 578 of the State party's report - applied to foreign students prior to admission to basic vocational education programmes. In this regard, how does the State party ensure that foreign students are not discriminated against on the basis of national origin or the language spoken?*

### General

167. According to Section 6 of the Constitution of Finland, "everyone is equal before the law". The general provision for equality is supplemented by a prohibition of discrimination according to which "no-one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person". The provisions of the Constitution for equality and the prohibition of discrimination are supplemented by the Non-discrimination Act.

168. The Constitution guarantees basic rights not only to Finnish citizens but also to foreigners (nationals of another State or persons without a nationality) under the jurisdiction of Finland. These basic rights include, among other things, a set of basic cultural rights.

169. These basic cultural rights comprise the right to free basic education, the availability of other forms of education, ensuring the right to self-development, the freedom of science, the arts and higher education as well as one's right to one's own language and culture. The right to free basic education is guaranteed as a subjective right, that is, everyone is entitled to it.

170. The Constitution also guarantees the availability of education other than basic education, not, however, as an individual's subjective right. The public authorities do, at any rate, have the obligation to guarantee it. The public authorities shall guarantee for everyone equal opportunity, in accordance with their ability and special needs, to receive other educational services and the opportunity to develop themselves without being prevented by economic hardship. This applies to everyone under jurisdiction, Finnish citizens as well as foreigners. Education other than basic education refers to, for example, vocational upper secondary education and training and higher education.

### Vocational upper secondary education and training

171. The selection criteria or the financing system do not prevent foreign or immigrant students from being admitted to vocational education and training. Persons with an immigrant background have free access to applying to vocational education. Sufficient language skills and general

capacities of learning constitute, however, preconditions for admission and attendance. Under the Act on Vocational Upper Secondary Education and Training 630/1998 (27(3)) and the Act on Vocational Upper Secondary Adult Education and Training 630/ 1998 (11(3)) entrance exams and aptitude tests may also be held for an applicant.

172. For the purpose of admitting students for vocational upper secondary education, the provider of the education may, by means of a language test or some other way evaluate the language skills of applicants who have a mother tongue other than the language of instruction (Decree of the Ministry of Education 167/2002, Section 21).

173. In January 2007, the National Board of Education launched a research and development project on the principles of student selection and admittance. The research aims to examine the language testing done in connection with student selections including how language tests are organised, what they include and what their importance is in relation to being admitted.

174. In vocational upper secondary education and training, flexible selection may be applied when considering the admittance of a particular student, based on grounds relative to his specific personal conditions or circumstances. These kinds of personal criteria may include considerations such as health, learning difficulties, the lack of vocational education, the difficulties in comparing report cards, reasons having to do with the hobbies of the applicant, social reasons or grounds for ensuring him being capable of being employed in the future. The applicant's need for education and his capacities of scholar achievement must be taken into consideration if there is a decision to deviate from the general selection criteria normally applied to the state-wide joint application system. (Decree 167/2002, Section 18).

175. Study guides intended for applicants and selection instructions distributed to providers of education also contain instructions on the selection of immigrant students to vocational upper secondary education.

176. The National Board of Education conducts and solicits orders for various types of studies and evaluations on the vocational upper secondary education and training in immigrants' case. Through an interview or a survey, the studies aim to examine the basic practices in immigrant education and student selection. For example, in 2001, an extensive survey was done with all providers of vocational upper secondary education. It was called "*Immigrants in Vocational Upper Secondary Education and Training - Study on Educational Practices*" and it dealt also with the practices of student selection. In addition to the survey, both teachers and students were interviewed. The survey also went into the students' language skills at the selection stage as well as the language skill evaluation procedure in connection to admittance as well as other selection criteria. Suggestions for developing these functions and lending support to multicultural schools were included in the report.

177. Different types of discussion and schooling events are organised by the National Board of Education and the State Provincial Offices dealing with the testing of language proficiency needed



for attendance when applying for vocational education. In these schooling events, experiences obtained, general principles provided as well as needs for development emerged in the practical work are discussed. These occasions are also organised for sharing information on best practices developed.

178. It is in cooperation between the providers of both basic and vocational upper secondary education that such events are planned. They are directed to persons whose work is connected to student selection as well as specialists in different domains, including teachers of Finnish as a foreign language, guidance counsellors working in basic education and vocational schools, principals and officials responsible for the municipal educational administration.

#### Education for immigrants preparing them to vocational upper secondary education and training

179. In Finland, ever since 1999, education for immigrants preparing them to vocational upper secondary education and training has aimed at ensuring that students with an immigrant background achieve adequate linguistic, cultural and other skills needed to be able to embark on vocational education. The number of students in preparatory vocational education, during the recent years especially, has risen at a steady rate.

180. The scope of the preparatory education is 20 to 40 credits. According to the national curricula, the curriculum for linguistic proficiency is 10 to 20 credits, or about half of the total scope. Students for preparatory education are selected by a specific system of admittance. As far as the selection criteria for preparatory education are concerned, it is important that the students selected have sufficient proficiency in Finnish or Swedish since having the linguistic capacities needed when entering vocational upper secondary education and success in one's studies is of central importance.

181. The National Board of Education has conducted follow-ups and reviews every other year on The education for immigrants preparing them to vocational upper secondary education and training. The 2000 review considered, in addition to selection, also the background, linguistic development, on-the-job training and evaluation of the students. In 2002, the studies went into the choices of education on a more advanced level made by the students as well as eventual dropping out. In 2004, the study focused on the development of linguistic proficiency in all of its domains. The most recent review was finished in June 2006.

182. The National Board of Education also organises regular schooling and information events on student selection issues intended for providers of education for immigrants preparing them to vocational upper secondary education and training.

**Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of intellectual property rights**

*Q17. The Committee would appreciate the State party's view on the essential elements of the right to take part in cultural life as provided for in article 15, paragraph 1 (a), of the Covenant, beyond what is already enumerated in paragraph 605 of the State party's report.*

183. In Finland the objectives of the policy for art and culture are based on encouraging creativity, cultural diversity and equality. These goals aim at the realization of the preconditions for creativity and of one's cultural rights. Also, in keeping with these objectives, everyone living in Finland should have access to arts and cultural services. The cultural rights and one's right to one's language and culture are fundamental freedoms provided for by the Constitution, and the realization of these freedoms must be guaranteed by public authorities.

184. Art and cultural services must be accessible to all regardless of place of residence or financial standing. In order to promote non-discrimination and equality, the State subsidises and strives to encourage creativity and the preconditions for carrying on the activities of cultural and artistic institutions.

185. Art is a value in itself. Cultural heritage and intercultural interaction constitute the foundation for civilised life promoting cultural diversity.

186. Culture is also seen as one of the factors ensuring competitiveness and well-being. It is important to promote creativity and know-how and to make the services of information society accessible to all. One of these objectives also consists in the development and safeguarding of cultural services crucial to the vitality of the most remote regions of Finland.

187. In Finland, the State is a strong promoter of culture and arts. During the period 2003-2007 the Government has been in power, the appropriation of funds for culture and art in the State budget has gone up by 23 %. More funding has been allocated, *inter alia*, to cinema, theatres, orchestras and libraries for the visually disabled.

188. The basis for the cultural policy lies in the fact that everyone has an equal right to participate in cultural services and benefit from forms of cultural support. What is more, particular attention is focused on segments of population in need of special support.

189. For example, specific measures to give support to the culture for children have been taken in the recent years. A specific policy program for promoting children's culture has been established. The promotion of children's culture is also on the agenda of the strategy and plans by the Ministry of Education. An action plan for reducing violence in programs directed to children in the media has been drawn up.



190. The children's culture policy program for 2003-2007 provides direction for developing culture for children. The proposals for measures and outlines concerning children's culture, including art and cultural services and artistic education intended for children involve municipalities, organisations and institutions of art.

191. The focuses of the Ministry of Education program include:

- cultural heritage
- cinema
- establishing the operations of the "*Taikalamppu- Aladdin's Lamp*" network of Arts Centres for Children.
- promoting the access to art and cultural services of children with mobile or functional disabilities
- promoting the culture, literature and production of data retrieval contents intended for children and young people

192. The disabled and cultural minorities make up other special groups of people the right to participate in cultural services of whom has been specifically promoted in the recent years.

193. Matters falling under the purview of the Ministry of Education, cultural diversity and access to culture are considerations included, *inter alia*, in the Ministry of Education strategy 2015, its actions plans, the policy program for art and actors in artistic life adapted by a decision in principle of the Government, the Ministry of Education outlines for immigration, the children's culture policy program, the Ministry plan for non-discrimination as well as the program for the access to art and culture for 2006-2010.

194. The policy program for art and actors in artistic life aims to ensure the availability of services provided by institutions of art and culture and people's access to them. Also, the program has as one of its objectives to ensure that everybody has, departing from his own circumstances and the possibilities to artistic creation of his own. The situation of those in danger of exclusion must be taken care of by special arrangements and supportive measures in order that cultural equality between the citizens would be carried out in practice as well.

195. One of the goals of the Ministry of Education outlines for immigration is strive for the flexible and effective integration of all immigrants in the society. The objective is to make it easier for the immigrants to preserve their culture and cultural identity. The needs of minority cultures will be taken account of as a part of public endeavours to lend support to culture and art as well as a part of the activities run by cultural and artistic institutions. Pilot and development initiatives in the field of youth work and young people's activities amongst immigrant youth are promoted. Tolerance as to cultural features is promoted in physical education as well.

196. The children's culture policy program emphasizes taking the needs of children and young people belonging to a minority group into account. The matter is attended to in the program from the point of view of not only the cultural minorities but also the disabled as well. The artistic and cultural aspirations of children and young people who belong to a minority must be given support not only in their general forms but also as far as specific measures of support are concerned.

197. The Ministry of Education plan for non-discrimination defines the internal and external measures taken by the Ministry to promote ethnic equality and fight discrimination that bases on one's ethnic origin. The central objective of the plan is to increase the possibilities of those belonging to a minority to participate in civic affairs and have access to services on a standing equal to that of the majority.

198. The program on cultural diversity and access to culture aims to strengthen the cultural rights, in particular, of linguistic and cultural minorities and the minority of the disabled. The measures presented in the program strive to promote access to art and culture by people other than those belonging to a minority or special group.

199. The Government has subsidised projects for the benefit of the Romani in several sectors out project financing funds. These initiatives aim at making the Romani culture known to the general public, and as a result of this, last year there were several expositions of the Romani culture all over Finland.

200. The structures intended to support the Romani culture in Finland include the Advisory Board on Romani Affairs, Regional Advisory Boards on Romani Affairs, the Romani unit of education under the National Board of Education as well as the committee on the Romani language of the Research Institute for the Languages in Finland.

#### Regional Advisory Boards on Romani Affairs

201. In Finland, there are four Regional Advisory Boards on Romani Affairs under the State Provincial Offices of Southern, Western, Eastern Finland and of Oulu. The Regional Advisory Boards function as bodies of cross- administrative cooperation between the Romani population and the authorities. The Boards work with both State Provincial and local administration authorities.

202. By a decree issued in 2004, the Government established the permanent status of the Regional Advisory Boards on Romani Affairs. The Boards have encouraged Romani participation in decision making and the promotion of the implementation of the subsidiary principle on the local level. They have also made it easier for the Romani to find employment in a very concrete manner. The Parliament lended its support to the Regional Advisory Boards by allocating them an appropriation out of the State budget for 2006 for the purpose of creating permanent posts.

#### Other institutions: Advisory Board of the Romani Affairs and the Church

203. In 1996, the Evangelical Lutheran Church of Finland set up a working group entitled "the Romani and the Church" in connection with the National Ecclesiastical Board. Its task is to develop cooperation between local parishes and the Romani. It also had the objective of offering the Romani ceremonies in the Romani language. Also, a part of the New Testament has been translated into the Romani language.



204. In 2006, the status of the working group was elevated to a higher level. Thus, an advisory board of the Romani and the Church was founded with an extended composition.

*Q18. Please provide information on the implementation of the Sámi Language Act (1086/2003) on the right of Sámi people to use their own language before the courts and other public authorities, with particular regard to its application outside Sámi homeland (E/C.12/FIN/5, paras. 162 et seq.).*

205. At this point, it is too early to reliably assess the implementation and functioning of the Sami Language Act (1086/2003). Information on these questions as well as the realisation of the rights of the Sami people to use their own language in a wider context and the development of the language conditions for the Sámi will not be possible to compile until later this year in conjunction of the submitting of the first report on these issues provided for by Section 29 of the Sámi Language Act by the Bureau of the Sámi language and the Sámi Language Council to the Sámi Parliament.

206. However, so far, one has been able to obtain some information of these matters since the Government report on the implementation of the language legislation provided for by Section 37 of the Language Act (423/ 2003) was submitted to the Parliament in spring 2006. According to the report, some defects have been observable in the implementation of the Act. According to the assessment of the Sámi Parliament, the substance of the language legislation is not fully implemented. It considers its greatest shortcoming to be the insufficient language skills of the authorities in Sámi. In this respect, it regards as particularly problematic the situation of Inari Sámi and Skolt Sámi speakers representing Sámi languages less widely spoken in Finland. Being able to provide a better general picture of the situation requires, however, considering the information that will be available in the report under the Sámi Language Act.

*Q19. Please provide information on the initiatives undertaken by the State party in the form of cultural support and consultation mechanisms, for other minorities aside from the Sámi and the Roma.*

207. The Ministry of Education grants funds for subsidizing projects of cultural diversity and anti-racist work in Finland. Funds for subsidizing cultural diversity are intended to support the activities in the fields of culture, art and youth work of immigrant and national minorities. The objective of the funds is to serve to promote the preservation and development of the identity of the cultural minorities as well as encourage contacts between cultural minorities and the dominant culture.

208. Subsidies are mainly allocated to immigrant associations and work groups, for example those of migrants and refugees, including artist associations. The forms of carrying out activities and initiatives subsidized vary: funds have been allocated, for instance, for communications, school visits and clubs, expositions, concerts and the theatre. Multicultural initiatives have been subsidized by a joint museum fund supporting innovativeness.

209. Statistical data on the possibilities of minority artists to receive subsidies may be obtained indirectly by considering the applicant's mother tongue. Considering all the data available, the possibilities of those who speak a language other than Finnish as their mother tongue to be granted

funds has ameliorated from 2003 to 2005. In 2005, applicants having a language other than Finnish or Swedish as their mother tongue accounted for 2,4 % of all applicants and 2,0 % of those having granted a subsidy. All in all, 37 % of the applicants received a subsidy, who had a mother tongue other than Finnish or Swedish. (The average for all the applicants was 42%.)



